

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ELIZABETH HARDING WEINSTEIN,

Plaintiff,

**ORDER**

- against -

No. 21-CV-1996 (CS)

VILLAGE OF BRIARCLIFF MANOR, *et al.*,

Defendants.  
-----X

Seibel, J.

WHEREAS Plaintiff Elizabeth Harding Weinstein's submissions in this matter have raised the issue of her competency by, among other things, challenging a commitment order allegedly issued by Village Justice Howard T. Code on March 9, 2021, (*see* Doc. 5), and her alleged involuntary commitment at St. Vincent's Hospital Westchester from March 9, 2021 to April 2, 2021, (*see id.*; Doc. 6; Doc. 10 ¶¶ 33-38, 50);

WHEREAS the Court finds it appropriate given the circumstances to conduct an inquiry into Plaintiff's competency and whether it would be appropriate to appoint a guardian *ad litem* pursuant to Federal Rule of Civil Procedure 17(c), *see Lewis v. Newburgh Hous. Auth.*, 692 F. App'x 673, 674-75 (2d Cir. 2017) (summary order), *as amended* (July 6, 2017), or take other appropriate measures; and

WHEREAS the Court finds that Plaintiff's mental health records from her alleged involuntary commitment at St. Vincent's Hospital Westchester are needed to aid in the Court's required determination of Plaintiff's competency, and therefore "the interests of justice significantly outweigh the need for confidentiality," N.Y. Mental Hyg. Law § 33.13(c)(1); and

WHEREAS a health care provider may disclose protected health information in the course of a judicial proceeding in response to a court order, *see* 45 C.F.R. 164.512(e)(1)(i); and

WHEREAS to the extent that the Court seeks these documents for *in camera* review, their confidentiality shall be maintained,

IT IS HEREBY ORDERED that St. Vincent's Hospital Westchester shall, no later than April 29, 2021, submit to the Court for *in camera* review any and all mental health records relating to Plaintiff Elizabeth Harding Weinstein dated March 9, 2021 to the present.

The records shall be delivered directly to my chambers via mail, fax, or personal delivery at the Hon. Charles L. Brieant Jr. Federal Building and U.S. Courthouse, 300 Quarropas Street, White Plains, New York 10601.

**SO ORDERED.**

Dated: April 22, 2021  
White Plains, New York

  
\_\_\_\_\_  
CATHY SEIBEL, U.S.D.J.